

Abraham Gross  
917-673-1848  
Pro Se Litigant  
Homeless For 362 Days  
While The Last Vacant Apartments  
Are Gifted To Unqualified Candidates

September 18, 2020

**RE: CASE 20-CV-4340 (GBD-RWL)**

**URGENT REQUEST TO HOLD CONFERENCE ON 09/21 AS  
ORIGINALLY SCHEDULED**

The Hon. Robert W. Lehrburger  
Magistrate Judge  
United States Southern District Court of New York  
500 Pearl St, New York, NY 10007-1312

Dear Judge Lehrburger,

1. I am writing to you hours before the holiday of Rosh Hashana. This will be the 26th consecutive holiday (national and religious) where I continue to suffer unspeakable harm, pain, and suffering of homelessness during the pandemic, despite the fact that vacant apartments for which I am eligible - even based on the Defendants cryptic calculations- are vacant, and while a shocking number of egregiously-unqualified residents, continue to enjoy their embezzled public properties. According to the Webster dictionary “evil” is that which is “morally reprehensible”. Respectfully, the aforesaid alone- let alone the totality of evidence proving an unthinkable atrocity is nothing short of morally reprehensible.

2. Simply put, I am suffering from injustices that are so blatant- no honorable court of law could ever accept.
3. I am suffering inexpressible horrors despite the fact I have obtained and submitted to ECF/NYSCEF ample evidence that the Defendants are engaged in a sickening criminal enterprise. Regretfully, as a way of ensuring that the Defendants will be given the freedom to continue with their scam, the Defendants have corrupted any and every public official they desire.
4. It is, respectfully, crippling for the judicial conscience to pretend that at the very least, these circumstances do not call for a hearing.
5. It is impossible to describe how unjust and painful it is for a pro se litigant to experience the helplessness that arises with the realizations that (a) in State proceedings, my fundamental, constitutional rights for due process are a cynical joke and can be set aside without explanation. This goes to heart of my claims under the RICO act (b) Defendants are above-the-law, capable of corrupting anyone with unlimited access to public property, which can be transferred whenever they desire, to whomever they desire.
6. While it may be tempting to dismiss these harrowing facts as fiction, I respectfully submit that anyone who does so in good faith, must also explain the overwhelming evidence to the contrary.
7. There is no explanation. These are the facts as they appear on official deeds- those that haven't been removed- on ACRIS.
8. I am respectfully asking for the emergency hearing to be held as originally scheduled on September 21, 2020.

9. I have conferred with all three opposing counsels, and they are available. Please find it in your heart to hold this conference. It is heavily warranted, inter alia, to address:

- i. The Hon. District judge denied the injunction sought without addressing any of the other critical issues. The appeal has been pending for months.
- ii. Irreparable harm inflicted on Appellant by Defendants continued efforts to remove and/or modify incriminating documents from city databases, such as ACRIS.
- iii. Defendants stomach-turning admission- in effect- that out of 74,000 applicants to Waterline Square, 99.9% were rejected, but at the same time, Defendants awarded an extraordinarily high number of apartments to egregiously-unqualified residents.
- iv. Proof that Defendants corrupted the related State Proceedings, engaged in egregious fraud on the court, and nonchalantly continue to seek improper influence over the adjudicators in federal proceedings.
- v. On July 15, 2020, the Corporation Counsel affirmed acceptance of service in the matter that was specified by Corporation Counsel, Ms. Samathna Schonfeld. At the very least, this acceptance applies to the primary Defendants, City of New York and The Department of Housing Preservation and Development. Pursuant to FED.R.CIV. 12 (a) (i), the Defendants were required to

serve an answer within 21 days. They have not done so. Pursuant to FED.R.CIV.P. 55(a), in such circumstances, “the clerk must enter the party’s default”.

- vi. Your Honor, I am forced to amend my complaint only because the Defendants will not consider the full and proper complaint that was already accepted by one of the Defendant’s HPD, on July 15, 2020, and which was dismissed in a manner that is deeply troubling. This is, respectfully, a breach of fundamental fairness.
- vii. Plaintiff attached documentary evidence that the same HPD decision makers who rejected Plaintiff four times, based on shifting reasons, in a series of bewildering conclusions that remain unexplained till this day despite specific FOIL requests, have also routinely embezzled from the public millions of dollars worth of affordable real-estate. And while they continued to egregiously award apartments in Waterline Square to unqualified candidates, they also continue living in their embezzled properties.

Sincerely,

Abraham Gross